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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12  
13 v.  
14 JOSE MARIN CABADAS-MORALES,  
15 Defendant.

Case No. 2:22-mj-00814-BNW

**Stipulation to Extend Deadlines to  
Conduct Preliminary Hearing and File  
Indictment**  
(Second Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,  
17 United States Attorney, and Kimberly Frayn, Assistant United States Attorney, counsel for the  
18 United States of America, Rene L. Valladares, Federal Public Defender, and LaRonda R.  
19 Martin, Assistant Federal Public Defender, counsel for Defendant JOSE CABADAS-  
20 MORALES, that the Court schedule the preliminary hearing in this case for no earlier than 90  
21 days from the date of the filing of this stipulation. This request requires that the Court extend  
22 two deadlines: (1) that a preliminary hearing be conducted within 14 days of a detained  
23 defendant's initial appearance, see Fed. R. Crim. P. 5.1(c); and (2) that an information or  
24 indictment be filed within 30 days of a defendant's arrest, see 18 U.S.C. § 3161(b).

25 This stipulation is entered into for the following reasons:  
26

1           1.       The United States Attorney’s Office has developed an early disposition program  
2 for immigration cases, authorized by the Attorney General pursuant to the PROTECT ACT of  
3 2003, Pub. L. 108-21.

4           2.       The early disposition program for immigration cases is designed to: (1) reduce  
5 the number of hearings required in order to dispose of a criminal case; (2) avoid having more  
6 cases added to the court’s trial calendar, while still discharging the government’s duty to  
7 prosecute federal crimes; (3) reduce the amount of time between complaint and sentencing; and  
8 (4) avoid adding significant time to the grand jury calendar to seek indictments in immigration  
9 cases, which in turn reduces court costs.

10          3.       The government has made a plea offer in this case that requires defendant to  
11 waive specific rights and hearings in exchange for “fast-track” downward departure under  
12 USSG § 5K3.1. This offer will be withdrawn if it is not timely accepted before this matter is  
13 indicted and before a preliminary hearing is held.

14          4.       Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the  
15 preliminary hearing within a reasonable time, but no later than 14 days after the initial  
16 appearance if the defendant is in custody . . . .”

17          5.       However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a  
18 showing of good cause—taking into account the public interest in the prompt disposition of  
19 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more times  
20 . . . .”

21          6.       Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny  
22 information or indictment charging an individual with the commission of an offense shall be  
23 filed within thirty days from the date on which such individual was arrested or served with a  
24 summons in connection with such charges.”

1           7. Defendant needs additional time to review the discovery and investigate  
2 potential defenses to make an informed decision as to how to proceed, including whether to  
3 accept the fast-track plea agreement.

4           8. Accordingly, the parties jointly request that the Court schedule the preliminary  
5 hearing in this case no sooner than 90 days from today's date.

6           9. Defendant is in custody and agrees to the extension of the 14-day deadline  
7 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C. §  
8 3161(b), provided that the information or indictment is filed on or before the date ordered  
9 pursuant to this stipulation .

10          10. The parties agree to the extension of that deadline.

11          11. This extension supports the public interest in the prompt disposition of criminal  
12 cases by permitting defendant to consider entering into a plea agreement under the United States  
13 Attorney's Office's fast-track program for § 1326 defendants.

14          12. Accordingly, the additional time requested by this stipulation is allowed under  
15 Federal Rule of Criminal Procedure 5.1(d).

16          13. In addition, the parties stipulate and agree that the time between today and the  
17 scheduled preliminary hearing is excludable in computing the time within which the defendant  
18 must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18  
19 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and  
20 (iv).

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1           14.     This is the second request for an extension of the deadlines by which to conduct  
2 the preliminary hearing and to file an indictment.

3           DATED this 6th day of February, 2023.

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5       RENE L. VALLADARES  
6       Federal Public Defender

      JASON M. FRIERSON  
      United States Attorney

7       By LaRonda R. Martin

      By Kimberly M. Frayn

8       LARONDA R. MARTIN  
9       Assistant Federal Public Defender

      KIMBERLY M. FRAYN  
      Assistant United States Attorney

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 JOSE MARIN CABADAS-MORALES,

7 Defendant.

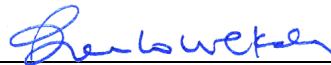
Case No. 2:22-mj-00814-BNW

**ORDER**

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9  
10 Based on the stipulation of counsel, good cause appearing, and the best interest of justice  
11 being served; the time requested by this stipulation being excludable in computing the time  
12 within which the defendant must be indicted and the trial herein must commence pursuant to  
13 the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal  
14 Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

15 IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on  
16 February 13, 2023 at the hour of 1:00 p.m., be vacated and continued to  
17 May 8, 2023 at 1:00 p.m.

18 DATED this 8th day of February, 2023.

19  
20 

21 UNITED STATES MAGISTRATE JUDGE